

104TH CONGRESS
1ST SESSION

S. 250

To amend chapter 41 of title 28, United States Code, to provide for an analysis of certain bills and resolutions pending before the Congress by the Director of the Administrative Office of the United States Courts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19 (legislative day, JANUARY 10), 1995

Mr. McCONNELL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 41 of title 28, United States Code, to provide for an analysis of certain bills and resolutions pending before the Congress by the Director of the Administrative Office of the United States Courts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ANALYSIS OF CERTAIN BILLS AND RESOLU-**
2 **TIONS BY THE DIRECTOR OF THE ADMINIS-**
3 **TRATIVE OFFICE OF THE UNITED STATES**
4 **COURTS.**

5 (a) IN GENERAL.—Chapter 41 of title 28, United
6 States Code, is amended by adding after section 612 the
7 following new section:

8 **“§ 613. Analysis of bills and resolutions**

9 “(a) Subject to the provisions of subsection (b), the
10 Director of the Administrative Office of the United States
11 Courts shall prepare an analysis of each bill or resolution
12 reported by any committee of the Senate or House of Rep-
13 resentatives. Such analysis shall include—

14 “(1)(A) an estimate of the litigation costs to
15 the Federal courts which would result from the en-
16 actment of such bill or resolution in the fiscal year
17 in which it is to become effective and in each of the
18 4 fiscal years following such fiscal year; and

19 “(B) the basis for each such estimate;

20 “(2)(A) an estimate of the litigation costs to
21 the State courts which would result from the enact-
22 ment of the bill or resolution in the fiscal year in
23 which it is to become effective and in each of the 4
24 fiscal years following such fiscal year; and

25 “(B) the basis for each such estimate;

1 “(3)(A) an estimate of the attorneys’ fees which
2 would result from the enactment of the bill or reso-
3 lution in the fiscal year in which it is to become ef-
4 fective and in each of the 4 fiscal years following
5 such fiscal year; and

6 “(B) the basis for each such estimate;

7 “(4)(A) an estimate of the increased liability
8 which would be incurred by the Federal, State, and
9 local government agencies which would result from
10 the enactment of the bill or resolution in the fiscal
11 year in which it is to become effective and in each
12 of the 4 fiscal years following such fiscal year; and

13 “(B) the basis for each such estimate;

14 “(5)(A) an estimate of the increased liability
15 which would be incurred by the private sector, in-
16 cluding individuals, business organizations and non-
17 profit entities, which would result from the enact-
18 ment of the bill or resolution in the fiscal year in
19 which it is to become effective and in each of the 4
20 fiscal years following such fiscal year; and

21 “(B) the basis for each such estimate; and

22 “(6) a description of each method for establish-
23 ing a Federal financial commitment contained in
24 such bill or resolution.

1 “(b) The provisions of subsection (a) shall not apply
2 to—

3 “(1) any private bill or resolution; or

4 “(2) any bill or resolution reported by the Com-
5 mittee on Appropriations of each House.

6 “(c) The Director of the Administrative Office of the
7 United States Courts shall submit the analysis described
8 under subsection (a) to each appropriate committee. To
9 the greatest extent practicable—

10 “(1) the Director shall submit the analysis be-
11 fore the committee files the applicable bill or resolu-
12 tion as reported by the committee; and

13 “(2) the committee shall include the analysis in
14 the committee report accompanying the applicable
15 reported bill or resolution.

16 “(d) At the request of a Senator, the Director of the
17 Administrative Office of the United States Courts shall
18 provide an analysis under this section for—

19 “(1) any bill or resolution not reported by a
20 committee to be considered by the Senate; and

21 “(2) any amendment to be offered in the Sen-
22 ate.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of sections for chapter 41 of title 28, United

1 States Code, is amended by adding after the item relating
2 to section 612 the following:

“613. Analysis of bills and resolutions.”.

3 (c) POINT OF ORDER IN THE SENATE.—(1) Except
4 as otherwise provided under this subsection, it shall not
5 be in order in the Senate to consider any bill, resolution,
6 or amendment described under paragraph (2) for which
7 an analysis prepared by the Director of the Administrative
8 Office of the United States Courts under section 613 of
9 title 28, United States Code, has not been submitted to
10 the appropriate committee or the Secretary of the Senate.

11 (2) Paragraph (1) shall apply to—

12 (A) any bill or resolution (other than a private
13 bill or resolution) that—

14 (i) is not reported by a committee; and

15 (ii) is to be considered by the Senate; and

16 (B) any amendment to be offered in the Senate,
17 other than an amendment relating to appropriations.

18 (3) The provisions of paragraph (1) may be waived
19 or suspended in the Senate only by the affirmative vote
20 of three-fifths of the Members, duly chosen and sworn.

21 (d) RULEMAKING POWER OF CONGRESS.—The provi-
22 sions of section 613(c) of title 28, United States Code (as
23 added by subsection (a) of this section) and subsection (c)
24 of this section are enacted by the Congress—

1 (1) as an exercise of the rulemaking power of
2 the Senate and the House of Representatives, re-
3 spectively, and as such is deemed a part of the rules
4 of each House, respectively, and such rules super-
5 sede other rules only to the extent that such rules
6 are inconsistent therewith; and

7 (2) with full recognition of the constitutional
8 right of either House to change the rules (so far as
9 relating to the procedure of that House) at any time,
10 in the same manner and to the same extent as in
11 the case of any other rule of that House.

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